

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

MAY 25 2001

JOHN RICHARD JAE,

Plaintiff

v.

KENNETH D. KYLER, individually, and
in his official capacity, et al.,

Defendants

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)✓

MARY E. D'ANDREA CLERK
Per in
Deputy Clerk

**MOTION OF DEFENDANTS FOR ENLARGEMENT OF TIME TO
RESPOND TO PLAINTIFF'S DISCOVERY**

Defendants hereby move for an enlargement of time to respond to plaintiffs second set of interrogatories and third request for production of documents. In support of this motion, defendants assert the following:

1. This is a civil rights action seeking a relief for various constitutional violations by prison officials.
2. On April 17, 2001, this Court ordered that discovery be completed by June 11, 2001, and that plaintiff file his opposition to defendants' motion for summary judgment by June 18, 2001.
3. After that order, plaintiff served on defendants a second set of interrogatories and a third request for production of documents. There is no certificate of service or other indication as to when this discovery was served. It is dated April 22, 2001, and counsel received it on April 25, 2001.
4. Assuming that the discovery was served by first class mail on April 22, 2001, the answers are due on May 25, 2001.

5. Defendants have been diligently working to complete their responses to this discovery; however, it has not been completed to be served on May 25, 2001.

6. Accordingly, defendants request an enlargement of time of one week, or until June 1, 2001, to serve their responses to plaintiffs' discovery.


7. This short enlargement of time will not unduly delay this matter nor will it prejudice the plaintiff. Plaintiff will still have more than two weeks to complete his response to defendants motion for summary judgment after receiving the discovery material if this enlargement is granted.

WHEREFORE, defendants request an enlargement of time of a week, or until June 1, 2001, to respond to plaintiff's discovery.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


MICHAEL L. HARVEY
Senior Deputy Attorney General
Attorney I.D. #30098

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Counsel for DEFENDANT
CHRISTOPHER O'BRIEN

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 787-6896
FAX: (717) 772-4526
DATE: May 25, 2001

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CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Motion of Defendants for Enlargement of to Respond to Plaintiffs' Discovery, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902



MICHAEL L. HARVEY
SENIOR DEPUTY ATTORNEY GENERAL

DATE: May 25, 2001